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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,860	07/21/2003	Claribel Chan	19797-005001/2002P00234US	6527

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EXAMINER
COUGHLAN, PETER D

ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
07/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/624,860*	CHAN ET AL.
	Examiner	**Art Unit**	
	PETER COUGHLAN	2129	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>23 May 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/David R Vincent/
Supervisory Patent Examiner, Art Unit 2129

 Continuation of 11. does NOT place the application in condition for allowance because: Concerning the Objection to the 'permissive language' and the 35 U.S.C. §101 rejection. Claim 1 as written, both the rejection and the objection stand. There is a lack of practical application with preemption issues. A suggestion of a rewritten claim 1 stated below would aid the applicant the direction the claim needs to go to overcome these rejections and objections.

Claim 1.
          A business solution management system comprising:
                    a program which when read from memory and executed by a microprocessor causes a computer to:
                              designing a business solution with user parameters, instantiated user-selectable, pre-defined business objects, and instantiated user-selected, predefined technology objects;
                              maintain and modify the user-designed business solution subsequent to implementation of the user designed business solution, the implementation based, at least in part, on a current state of the business objects and the technology objects; and
                              store in memory the user-designed business solution as modified for subsequent presentation through a graphical user interface;
                    wherein said memory comprises:
                              the instantiated user-selectable, pre-defined business objects; and
                              the instantiated user-selectable, pre-defined technology objects.

Concerning the 35 U.S.C. §112 rejection of enablement, the Examiner rejected to the term of 'technology objects' and it's lack of description. The Applicant disclosed a paragraph wherein the statement 'all components, business processes, and technology solutions within the BSM system 101 may be (or may not be) constructed in an object oriented concept.' This does not limit the invention to 'object oriented' concept and can include anything else which would work. This does not explain what a 'technology object' is. The specification does not limit the invention to an object oriented design.
          The question of a lack of domain in which the invention can be employed is not addressed concerning a 'technology object.' The cited material from the specification does not addresses the question at hand.
          The statement concerning an lack of an example is addressed by the statement that an example is not required. This is true but the Examiner was looking for direction to aid the applicant in overcoming this rejection. The claims are too broad and the Examiner was looking for a narrowed domain for the invention. The Applicant continues that the 'figure clearly indicates that in accordance with "an object-oriented concept" which is contrary to the previous statement within the specification which states 'all components, business processes, and technology solutions within the BSM system 101 may be constructed in an object oriented concept.'
          Concerning quantity of experimentation, that applicant points to paragraphs 0052 through 0088. Only paragraphs, 53, 71, 73, 75, 81, 83 mention 'technology objects' without describing what they are. The Examiner does not see a description of what a 'technology object' is but only how they are employed with other items within the specification.

Concerning the 35 U.S.C. §102 rejection, that Applicant states that Fowler does not address 'the designed business solution.' The Examiner disagrees. Fowler is a reference for 'unified modeling language.' There is no basis that the Applicant's argument that this can not be used for designing a business solution. A modeling language can be used for various purposes, including 'business solutions.' In Fowler, if objects can be modified, then they have the feature of 'modifying.'

Concerning 'prompting the user to select at least one instantiated business process object and one instantiated technology object' of applicant is disclosed by One example of the generation of a 'feature' is the combination of a 'behavioral feature' and a 'structure feature' of Fowler. To add features, the creation of a subtype is needed. Thus 'prompting a user to select...' is the ability to create a 'subtype' of Fowler. (Fowler, #18, #5) 'Business process object' of applicant can be equivalent to 'behavior feature' of Fowler. 'Technology object' of applicant is equivalent to 'structure feature' of Fowler.

Chappel is used to illustrate the use of two different repositories .